## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

BRISAM (DE) LAX, LLC, MCSAM HOTEL, LLC, THE PACKARD COMPANIES D/B/A HOLIDAY INN LAX HOTEL

| and                 | Cases 31-CA-091788 |
|---------------------|--------------------|
|                     | 31-CA-094386       |
|                     | 31-CA-096242       |
|                     | 31-CA-096243       |
|                     | 31-CA-096244       |
|                     | 31-CA-096245       |
|                     | 31-CA-096248       |
| UNITE HERE LOCAL 11 | 31-CA-098398       |
|                     |                    |

## **ORDER**

The Packard Companies' petition to revoke subpoena duces tecum B-705820 is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoenas.<sup>1</sup> See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v.* 

Canning v. NLRB, 705 F.3d 490 (D.C. Cir. 2013), and that the Board's appointment of Region Director Mori Rubin was not a rightful appointment. For the reasons stated in *Bloomingdale's, Inc.*, 359 NLRB No. 113 (2013), these arguments are rejected.

The Employer contends that the Board does not have a valid quorum under *Noel* 

Carolina Food Processors, Inc., 81 F.3d 507 (4th Cir. 1996).<sup>2</sup>

Dated, Washington, D.C., June 24, 2013.

MARK GASTON PEARCE, CHAIRMAN

RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER

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<sup>&</sup>lt;sup>2</sup> In considering the petition to revoke, we have evaluated the subpoena in light of the Region's statement that it is willing to clarify the scope of the subpoena as follows: paragraph 10 is clarified to request only employee handbooks and copies of the Employer's policies relating to solicitation, layoffs, transfers, and recalls; and paragraphs 11, 12, and 13 are clarified to request responsive documents for the period April 12, 2011 to April 12, 2013.